Esau Rogers, P-54800
Centinela State Prison
P.O. Box 931 - D3-123L
Imperial, CA 92251-0931

In Pro Se

FILED
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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ______ DEPUTY

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JUN 27 2008

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ESAU ROGERS, Plaintiff, v. S. RIVAS, et al., Defendants.	Case No. 07 cv 2010 W (JMA) OPPOSITION TO DEFENDANTS' MOTION TO DISMISS COMPLAINT, AND TO STRIKE Hon. Jan M. Adler United States Magistrate Judge

On or about October 17, 2007, Plaintiff, ESAU ROGERS, an inmate currently incarcerated at Centinela State Prison in Imperial, California, and proceeding pro se, filed a Civil Rights Complaint pursuant to 42 U.S.C. § 1983.

On or about March 10, 2008, the Honorable Thomas J. Whelan, United States District Judge, ordered a reply to the Complaint.

On or about May 16, 2008, Defendants, by and through their attorney, filed a Motion to Dismiss Complaint, and to Strike.

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Plaintiff hereby submits this Opposition to Defendants' motion to Dismiss Complaint, and to Strike. This Opposition is based on the accompanying Memorandum of Points and Authorities, and on the pleadings filed in this action.

WHEREFORE, Plaintiff respectfully requests this Court to issue an order denying Defendants' Motion to Dismiss Complaint, and to Strike.

DATED: June 24, 2008

Respectfully submitted,

Esau Rogers

Esau Rogers
Plaintiff

In Pro Se

DECLARATION OF SERVICE BY MAIL

CASE NAME: ESAU ROGERS v. S. RIVAS, et al.

CASE NO.: 07 cv 2010 W (JMA)

I am over 18 years of age, and a party to the within action. My address is Post Office Box 931 - D3-123L, Imperial, California 92251-0931.

On 6-24-08, I served a copy of the attached "Opposition To Defendants' Motion To Dismiss Complaint, And To Strike," on the below-named person by placing a true copy thereof in an envelope addressed as follows, with the postage thereon fully prepaid, and delivering the sealed envelope to the proper institution (prison) official for deposit in the United States Mail at Imperial, California:

OFFICE OF THE ATTORNEY GENERAL
Attn: Stephen A. Aronis, DAG
110 West A Street, Suite 1100
San Diego, California 92101

Executed under penalty of perjury under the laws of the State of California on 6-24-08, at Centinela State Prison in Imperial, California, County of Imperial.

Esau Rogers
Esau Rogers
Declarant